

Sent to Governor  
(May 26, 1989)

S.C.R. 66	S.B. 544	S.B. 1037	S.B. 1501
S.C.R. 70	S.B. 546	S.B. 1039	S.B. 1521
S.C.R. 132	S.B. 567	S.B. 1076	S.B. 1522
S.C.R. 167	S.B. 597	S.B. 1091	S.B. 1526
S.B. 8	S.B. 612	S.B. 1098	S.B. 1568
S.B. 48	S.B. 697	S.B. 1112	S.B. 1569
S.B. 64	S.B. 754	S.B. 1116	S.B. 1573
S.B. 88	S.B. 786	S.B. 1148	S.B. 1585
S.B. 104	S.B. 836	S.B. 1156	S.B. 1588
S.B. 134	S.B. 842	S.B. 1173	S.B. 1599
S.B. 177	S.B. 844	S.B. 1175	S.B. 1601
S.B. 179	S.B. 865	S.B. 1191	S.B. 1611
S.B. 199	S.B. 874	S.B. 1248	S.B. 1628
S.B. 247	S.B. 896	S.B. 1284	S.B. 1632
S.B. 252	S.B. 920	S.B. 1285	S.B. 1644
S.B. 276	S.B. 937	S.B. 1287	S.B. 1665
S.B. 277	S.B. 946	S.B. 1302	S.B. 1673
S.B. 371	S.B. 949	S.B. 1345	S.B. 1685
S.B. 379	S.B. 963	S.B. 1357	S.B. 1692
S.B. 405	S.B. 981	S.B. 1359	S.B. 1695
S.B. 512	S.B. 1006	S.B. 1453	S.B. 1713
S.B. 519	S.B. 1027	S.B. 1500	S.B. 1774
			S.B. 1791

## SEVENTY-FOURTH DAY

(Continued)

(Saturday, May 27, 1989)

## AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

## LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

**S.R. 699** (Uribe) Directing the Natural Resources Subcommittee on Water to conduct a study on maquiladora expansion. (vv)

**H.C.R. 16** (Dickson) Requesting that educational curricula for judges and law enforcement officers include information about certain procedures and services regarding mentally ill persons. (vv)

**C.S.H.C.R. 29** (Carriker) Urging the State Board of Education to include suicide prevention and intervention among subject areas for teacher inservice training. (vv)

**H.C.R. 116** (Haley) Requesting the Speaker and Lieutenant Governor to authorize a study regarding health care benefits for educators and the concept of a statewide program of health care for school districts. (vv)

**H.C.R. 188** (Brooks) Recognizing the University of Houston-Clear Lake for their aerospace program. (vv)

**H.C.R. 216** (Zaffirini) Requesting the Children and Youth Services Coordinating Committee to coordinate evaluation of State child abuse prevention programs. (vv)

**H.C.R. 237** (Parker) Directing the State Board of Education to review the teaching of geography. (vv)

**H.B. 59** (Truan) Relating to authorizing members of the board of trustees of a junior college district to be elected from single-member trustee districts. (30-1) Washington "Nay" (31-0)

**H.B. 165** (Montford) Relating to the validation of certain citations and returns of process. (30-1) Washington "Nay" (31-0)

**H.B. 186** (Brooks) Relating to an exemption from the Health Spa Act for certain entities that offer physical exercise programs. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 188** (Montford) Relating to provision of certain health insurance benefits to certain adopted children. (30-1) Washington "Nay" (31-0)

**H.B. 405** (Haley) Relating to the authority of certain statutory county courts to waive the requirement that a marriage ceremony may not take place sooner than 72 hours after the issuance of the marriage license. (30-1) Washington "Nay" (31-0)

**H.B. 590** (Glasgow) Relating to the location at which garbage collection and solid waste removal services are consummated for local sales and use tax purposes. (30-1) Washington "Nay" (31-0)

**H.B. 691** (Caperton) Relating to the use of interest on proceeds of bonds issued by or on behalf of governmental entities. (30-1) Washington "Nay" (31-0)

**H.B. 694** (McFarland) Relating to including surveyors under the Professional Services Procurement Act. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 878** (Brooks) Relating to the review of investigations and complaints by the Office of Youth Care investigations and investigations of anonymous reports of child abuse. (30-1) Washington "Nay" (31-0)

**H.B. 969** (Zaffirini) Relating to classes for parents of children whose unexcused absences from school result in certain judicial proceedings. (30-1) Washington "Nay" (31-0)

**H.B. 1139** (Brown) Relating to the authority of certain water districts to discontinue service for unpaid fees, rentals, or taxes. (30-1) Washington "Nay" (31-0)

**H.B. 1299** (Brooks) Relating to the tort liability of a county child welfare board. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 1520** (McFarland) Relating to records and seals of notaries public and to qualification as a notary public. (30-1) Washington "Nay" (31-0)

**H.B. 1600** (Sims) Relating to the establishment of equivalent membership service credit for developmental leave by certain persons in the Teacher Retirement System of Texas. (30-1) Washington "Nay" (31-0)

Senator Sims offered the following committee amendment to the bill:

Amend H.B. 1600 as follows:

(1) Add the following at the end of section 33.4021(b):

No credit may be granted under this section unless the employer certifies that, based on the records of the employer, developmental leave was requested and approved as required by subsection (a) of this section.

(2) Delete in subsection 33.4021 (c) "actuarial determined to be the cost of such service, plus any memberships fees in effect during the year of leave." and add the following:

(1) an amount determined by multiplying the member's annualized earnings for the member's latest year of service or the member's highest credited annual compensation at the time the deposits are made, whichever is greater, times the combined rate of member and state contributions for the school year in which the deposits are made and further increased by 1% for each year that the member's age as of the date the deposit is received exceeds 35 years, plus

(2) any unpaid annual membership fees between the last date of membership service before the leave was taken and the date of resumption of membership service.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1626** (Glasgow) Relating to the contempt power of courts. (30-1) Washington "Nay" (31-0)

**H.B. 1687** (Brown) Relating to the designation and possession of certain wildlife as pets. (30-1) Washington "Nay" (31-0)

**H.B. 1689** (Caperton) Making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in this Act before payment is made. (30-1) Washington "Nay" (31-0)

Senator Caperton offered the following committee amendment to the bill:

Amend **H.B. 1689** by adding the following language to Section 1:

To pay Robert J. Bodish, P.O. Box 13555, Austin, Texas 78711, for judgment issued in connection with breach of contract.

\$17,881.34

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1694** (Brown) Relating to the repeal of a contingency provision concerning the creation of the Texas Space Commission. (30-1) Washington "Nay" (31-0)

**H.B. 1711** (Brooks) Relating to reports and the furnishing of information of cases of cancer. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 1728** (Dickson) Relating to transfer of an employer's experience rating for unemployment compensation taxes. (30-1) Washington "Nay" (31-0)

**H.B. 1801** (Whitmire) Enabling municipalities without zoning to require any person who sells or conveys restricted property within the municipalities to give the purchaser notice of the restrictions, etc. (30-1) Washington "Nay" (31-0)

**H.B. 1831** (Armbrister) Relating to the notice of appraised value of a mineral interest for ad valorem tax purposes. (30-1) Washington "Nay" (31-0)

**H.B. 1922** (Caperton) Relating to financial assurances required of certain injection well permittees. (30-1) Washington "Nay" (31-0)

Senator Caperton offered the following committee amendment to the bill:

Strike SECTION 2 of **H.B. 1922** and insert the following in lieu thereof:

SECTION 2. Amend Subsections 27.073(c) and (d) of the Texas Water Code to read as follows:

(c) If liability insurance is required of an applicant, the applicant may not use a claims made policy as security unless:

(1) the policy provides for a right of extension by the insured upon cancellation or non-renewal of the policy by the insurance company;

(2) the applicant places in escrow as provided by the commission an amount sufficient to enable the commission to exercise the right under the policy to purchase an extension of the policy from the date of cancellation or expiration of the policy that is reasonable in light of the degree and duration of the risks; and

(3) the applicant provides the commission with a limited power of attorney by which the commission is given an irrevocable power to exercise the applicant's right under the policy to purchase such an extension of the policy[the applicant places in escrow as provided by the commission an amount sufficient to pay an additional year of premiums for renewal of the policy by the state on notice of termination of coverage].

(d) In addition to other forms of financial security authorized by the rules of the commission, the commission may authorize an applicant to use the letter of credit form of financial security if either the issuing institution or another institution which guarantees payment under the letter:

(1) is a bank chartered by the state or by the federal government; [and]

(2) is federally insured and its financial practices are regulated by the state or federal government; and

(3) is solvent and is not in receivership or owned or controlled by an entity that is insolvent or in receivership.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1948** (Brooks) Relating to the waiver of certain special appraisals of property for property taxation. (30-1) Washington "Nay" (31-0)

**H.B. 1953** (Caperton) Relating to local sales and use tax relief in an enterprise zone. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2017** (Dickson) Relating to the rates applicable to property under fire insurance and homeowners insurance policies. (30-1) Washington "Nay" (31-0)

(Senator Ratliff in Chair)

**H.B. 2046** (Carriker) Relating to the conveyance of certain state-owned real property by the Texas Employment Commission, and to the disposition of the proceeds. (30-1) Washington "Nay" (31-0)

**H.B. 2104** (Lyon) Relating to the posting of bond in certain actions in which a receiver may be appointed for the mineral interest or leasehold interest under a

mineral lease owned by a nonresident or absent defendant. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2116** (Brooks) Relating to the coordination and expansion of services to youth, including the establishment of the Commission on Children, Youth and Family Services. (30-1) Washington "Nay" (31-0)

**H.B. 2171** (Armbrister) Relating to the rights of a buyer of a new motorboat or outboard motor. (30-1) Washington "Nay" (31-0)

**H.B. 2179** (Haley) Relating to the regulation and assessment of health maintenance organizations. (30-1) Washington "Nay" (31-0)

Senator Haley offered the following committee amendment to the bill:

Amend **H.B. 2179** as follows:

(1) Add new Sections 1, 2, and 3 (page 1, between lines 4 and 5) to read as follows:

SECTION 1. Section 2(b), Texas Health Maintenance Organization Act (Article 20A.02, Vernon's Texas Insurance Code), is amended to read as follows:

(b) "Board" means the Texas [State] Board of Health.

SECTION 2. Sections 17(b) and (e), Texas Health Maintenance Organization Act (Article 20A.17, Vernon's Texas Insurance Code), are amended to read as follows:

(b) The board may make an examination concerning the quality of health care services of any health maintenance organization [~~and providers with whom such organization has contracts, agreements, or other arrangements~~] as often as it deems it necessary, but not less frequently than once every three years.

(e) Articles [~~1.04(c);~~] 1.12, [~~and~~] 1.24, and 1.30, and Section 7 of Article 1.10, Insurance Code, [~~as amended, and Article 1.30, Insurance Code;~~] apply to health maintenance organizations.

SECTION 3. Section 17(c)(1), Texas Health Maintenance Organization Act (Article 20A.17, Vernon's Texas Insurance Code), is amended to read as follows:

(1) Every health maintenance organization shall make its books and records relating to its operation available for such examinations and in every way facilitate the examinations. Every physician and provider with whom a health maintenance organization has a contract, agreement, or other arrangement [so examined] need only make available for examination that portion of its books and records relevant to its relationship with the health maintenance organization.

(2) Renumber Section 1 of the bill as Section 4.

(3) Add a new Section 5 (page 1, between lines 14 and 15) to read as follows:

SECTION 5. Section 32, Texas Health Maintenance Organization Act (Article 20A.32, Vernon's Texas Insurance Code), is amended to read as follows:

Art. 20A.32. FEES. (a)(1) Every organization subject to this chapter shall pay to the commissioner the following fees:

(A) [~~(a)~~] for filing its original application for a certificate of authority, a fee in an amount not to exceed \$15,000 as determined by the State Board of Insurance;

(B) [~~(b)~~] for filing each annual report pursuant to Section 10 of this Act, a fee in an amount not to exceed \$500 as determined by the State Board of Insurance;

(C) [~~(c)~~] the expenses of all examinations of health maintenance organizations made on behalf of the State of Texas by the State Board of Insurance or under its authority in such amounts as the commissioner shall certify to be just and reasonable;

(D) [(d)] the licensing, appointment, and examination fees pursuant to Section 15, Texas Health Maintenance Organization Act (Article 20A.15, Vernon's Texas Insurance Code);

(E) [(e)] for filing an evidence of coverage which requires approval, a fee not to exceed \$200 as determined by the State Board of Insurance; and

(F) [(f)] for filings required by rule but which do not require approval, a fee not to exceed \$100 as determined by the State Board of Insurance.

(2) The State Board of Insurance shall, within the limits fixed by this subsection [section], prescribe the fees to be charged under this subsection [this section].

(3) Fees collected under this subsection [section] must be deposited in the State Treasury to the credit of the State Board of Insurance operating fund.

(b)(1) Every organization subject to this chapter shall pay to the board the following fees:

(A) for review of its original application for a certificate of authority, a fee in an amount not to exceed \$3,000 as determined by the board and paid pursuant to rules adopted by the board; and

(B) the expenses of an examination under Section 17(b) of this Act incurred by the board or under its authority.

(2) Examination expenses are the expenses attributable directly to a specific examination including the actual salaries and expenses of the examiners plus the cost of administrative departmental expenses directly attributable to that examination as determined under rules adopted by the board. The expenses shall be assessed by the board and paid in accordance with rules adopted by the board.

(3) Except as provided by Subdivision (4) of this subsection, the amount paid by a health maintenance organization in each taxable year under Subdivision (1)(B) of this subsection shall be allowed as a credit on the amount of premium taxes to be paid by the health maintenance organization for that taxable year.

(4) The amount directly attributable to an examination of the books, records, accounts, or principal offices of a health maintenance organization located outside this state may not be allowed as a credit against the amount of premium taxes to be paid by the health maintenance organization.

(5) The funds received by the board shall be deposited in the state treasury to the credit of the Texas Department of Health health maintenance organization fund, and those funds shall be appropriated to the Texas Department of Health to carry out the statutory duties of the board under this chapter.

(4) Renumber Sections 2 through 5 of the bill as Sections 6 through 9, respectively.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2185** (Green) Relating to teacher certification. (30-1) Washington "Nay" (31-0)

**H.B. 2195** (Haley) Relating to demonstration programs of innovative educational practices. (30-1) Washington "Nay" (31-0)

**H.B. 2262** (Carriker) Relating to expanding the definition of veteran for the purpose of qualifying for the Texas veterans land program. (30-1) Washington "Nay" (31-0)

**H.B. 2295** (Parker) Relating to the exemption of certain personal property from seizure by an unsecured creditor. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2297** (Santiesteban) Relating to the provision of service by a municipally owned utility system. (30-1) Washington "Nay" (31-0)

**H.B. 2321** (Parmer) Relating to the cooperation of public schools and local agencies in the prevention of youth suicide. (30-1) Washington "Nay" (31-0)

**H.B. 2322** (Parmer) Relating to the creation of a State Advisory Committee on Youth Suicide Prevention. (30-1) Washington "Nay" (31-0)

**H.B. 2330** (Santiesteban) Relating to the applicability of the sunset review process to the State Seed and Plant Board. (30-1) Washington "Nay" (31-0)

**H.B. 2341** (Armbrister) Relating to the authority of the Bastrop County Water Control and Improvement District No. 2 to administer a road utility district. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2356** (Santiesteban) Relating to the creation of the Advisory Committee on Immigration and to the role of the Texas Health and Human Services Coordinating Council in applying for and overseeing the State Legalization Impact Assistance Grant program. (30-1) Washington "Nay" (31-0)

**H.B. 2382** (Parmer) Relating to the designation of a Texas Department of Mental Health and Mental Retardation employee as a youth suicide prevention officer. (30-1) Washington "Nay" (31-0)

**H.B. 2434** (Santiesteban) Relating to the creation of criminal penalties for certain offenses concerning human burials and to the jurisdiction over and disposition of certain human burials and associated human remains or burial objects. (30-1) Washington "Nay" (31-0)

**H.B. 2437** (McFarland) Relating to certain State agencies subject to, or removed from, review under the Texas Sunset Act. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2498** (Santiesteban) Relating to the powers and duties of districts created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution and to the disqualification of district board members. (30-1) Washington "Nay" (31-0)

**H.B. 2505** (Armbrister) Relating to the regulation of the manufacture and sale of certain foods, drugs, devices and cosmetics; amending the Texas Food, Drug and Cosmetic Act. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 2541** (Glasgow) Relating to the status and support of children, the establishment, enforcement and collection of child support, the establishment of paternity, possession of and access to children and the support of disabled minor and adult children. (30-1) Washington "Nay" (31-0)

**H.B. 2575** (Bivins) Relating to exempting certain nonprofit organizations from the franchise tax. (30-1) Washington "Nay" (31-0)

**H.B. 2588** (Brown) Relating to the regulation of certain pilots of vessels, pilotage rates and pilot service. (30-1) Washington "Nay" (31-0)

**H.B. 2620** (Parker) Relating to sales tax on certain services performed by a temporary help service. (30-1) Washington "Nay" (31-0)

**H.B. 2624** (Barrientos) Relating to the effective dates for the imposition and repeal of additional local taxes by certain counties and cities. (30-1) Washington "Nay" (31-0)

**H.B. 2627** (Brooks) Relating to powers of housing finance corporations. (30-1) Washington "Nay" (31-0)

**H.B. 2683** (Washington) Relating to the assignment of visiting judges. (30-1) Washington "Nay" (31-0)

**H.B. 2777** (Green) Relating to criminal history information records that the Texas Department of Human Services may obtain. (30-1) Washington "Nay" (31-0)

**H.B. 2805** (Parmer) Relating to a quorum of the governing body of certain emergency communication districts. (30-1) Washington "Nay" (31-0)

**H.B. 2840** (Sims) Relating to the definition of wine and vinous liquor. (30-1) Washington "Nay" (31-0)

**H.B. 2885** (Brooks) Relating to the State assumption of title to a site listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). (30-1) Washington "Nay" (31-0)

**H.B. 2988** (Montford) Relating to certain rulemaking functions of State administrative agencies. (30-1) Washington "Nay" (31-0)

Senator Montford offered the following committee amendment to the bill:

Amend **H.B. 2988** by adding a new section, to be numbered appropriately, to read as follows:

SECTION \_\_\_\_ Section 17, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 17. EX PARTE CONSULTATIONS. (a) Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. An agency member may communicate ex parte with other members of the agency, and pursuant to the authority provided in Subsection (q) of Section 14, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may communicate ex parte with employees of the agency who have not participated in any hearing in the case for the purpose of utilizing the special skills or knowledge of the agency and its staff in evaluating the evidence.

(b) The authorization of certain ex parte communications by Subsection (a) of this section does not create an exception to Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.H.B. 3012** (Edwards) Relating to the membership, service and participation of a county judge or county commissioner on the governing body or committee of any entity created pursuant to interlocal contract for formation or administration of governmental self-insurance pools and other pools or joint endeavors, an association of counties or nonprofit corporation for administrative services thereto. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 3039** (Whitmire) Relating to the composition of certain districts from which members of the State Board of Education are elected. (30-1) Washington "Nay" (31-0)



**H.B. 3088** (Harris) Relating to a change in the name of "Farmers Branch-Carrollton Flood Control District of Dallas County, Texas" to "Valwood Improvement Authority of Dallas County, Texas." (30-1) Washington "Nay" (31-0)

**H.B. 3097** (Bivins) Relating to the Hockley County Juvenile Board. (30-1) Washington "Nay" (31-0)

**H.B. 3104** (Dickson) Relating to the terms of office of directors of the Elm Creek Water Control District. (30-1) Washington "Nay" (31-0)

**H.B. 3122** (Dickson) Relating to the creation, administration, powers, duties, operation and financing of the Lampasas County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

**H.B. 3126** (Henderson) Relating to the terms of office of the board of supervisors of the Memorial Villages Water Authority. (30-1) Washington "Nay" (31-0)

**H.B. 3128** (Brown) Relating to the board of directors and to the powers and duties of the Harris County Improvement District No. 1. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 3144** (Montford) Relating to the composition of the Ector County Juvenile Board. (30-1) Washington "Nay" (31-0)

**H.B. 3146** (Sims) Relating to exempting certain motor vehicles used by certain licensed child-care facilities from taxes on the sale, use or rental of motor vehicles. (30-1) Washington "Nay" (31-0)

**H.B. 3153** (Zaffirini) Relating to the jurisdiction of the Starr County Court at Law. (30-1) Washington "Nay" (31-0)

**H.B. 3155** (Lyon) Relating to the qualifications for election as a director of the Smith County Water Control and Improvement District No. 1 (Owentown). (30-1) Washington "Nay" (31-0)

**H.B. 3167** (Carriker) Relating to the membership, powers and duties of the Texas Structural Pest Control Board and to the insurance coverage required for a structural pest control business license. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 3171** (Tejeda) Relating to the authority of the Edwards Underground Water District to file a lien against an owner's or lessee's property for certain reasonable costs and expenses, etc. (30-1) Washington "Nay" (31-0)

**H.B. 3172** (Dickson) Relating to the creation of the Bell County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

**H.B. 3178** (Armbrister) Relating to the creation and administration of a promotion and development fund by the Aransas County Navigation District No. 1. (30-1) Washington "Nay" (31-0)

**H.B. 3179** (Edwards) Relating to the creation, administration, powers, duties, operation and financing of the Dallas County Improvement District. (30-1) Washington "Nay" (31-0)

**H.B. 3182** (Lyon) Relating to the reorganization of the Seis Lagos Utility District. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 3204** (Bivins) Relating to the creation of the Hale Center Hospital District. (30-1) Washington "Nay" (31-0)

**H.B. 3206** (Sims) Relating to the conversion of the El Paso County Lower Valley Water District Authority to a municipal utility district. (30-1) Washington "Nay" (31-0)

**H.B. 3207** (Sims) Relating to the exclusion of certain territory from Water Improvement District No. 4, City of Fabens, El Paso County. (30-1) Washington "Nay" (31-0)

**BILLS REMOVED FROM LOCAL AND UNCONTESTED  
BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
<b>C.S.H.B. 151</b>	Washington, Sims
<b>C.S.H.B. 395</b>	McFarland, Sims
<b>H.B. 1547</b>	Washington, Sims
<b>H.B. 1949</b>	Carriker, Sims
<b>C.S.H.B. 2301</b>	Washington, Sims
<b>H.B. 2303</b>	Washington, Sims
<b>H.B. 2043</b>	By sponsor, Carriker
<b>C.S.H.B. 2260</b>	By sponsor, Harris
<b>H.B. 2705</b>	By sponsor, Tejada

**MESSAGE FROM THE HOUSE**

House Chamber  
May 27, 1989

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 144**, Relating to the benefits and compensation of peace officers in specialized police divisions in certain municipalities.

**S.B. 151**, Relating to an education program for students who are pregnant or who are parents.

**S.B. 298**, Relating to support for a minor or adult disabled child.

**S.B. 344**, Relating to returning a criminal cause to the original county on completion of trial after a change in venue.

**S.B. 357**, Relating to the creation and operation of a sick leave pool to benefit certain State employees who suffer a catastrophic illness or injury.

**S.B. 358**, Relating to costs imposed on conviction of certain offenses to provide funds for victims of crime.

**S.B. 359**, Relating to the definition of "pecuniary loss" under the Crime Victims Compensation Act.

**S.B. 463**, Relating to the establishment of a community mental health or mental retardation center.

**S.B. 638**, Relating to the authority of a court to sentence defendants convicted of criminal nonsupport to house arrest and impose as a condition of the sentence that the defendants perform community service work.

**S.B. 657**, Relating to the personal civil liability of a member of the emergency management council or a local emergency planning committee.

**S.B. 733**, Relating to the entitlement of employees of the Texas Department of Corrections to retain certain vacation leave time and compensatory leave time accumulated by those employees.

**S.B. 804**, Relating to eligibility for beginning positions in fire or police departments.

**S.B. 913**, Relating to child care provided by public schools and to the creation of the school child care services fund.

**S.B. 999**, Relating to the adoption of emergency rules by the Parks and Wildlife Commission.

**S.B. 1035**, Relating to the inspection and classification of eggs.

**S.B. 1270**, Relating to the membership of a club holding a private club registration permit.

**S.B. 1557**, Relating to the services and businesses eligible to hold an agricultural permit for transportation of agricultural commodities.

**S.B. 158**, Relating to the organization, powers and duties of the energy management center of the office of the governor. (As substituted and amended)

**S.B. 170**, Relating to the operation of a vehicle with a child in the open bed of the vehicle and to the operation of a vehicle with a child not secured by a child passenger safety seat system; providing a penalty. (As amended)

**S.B. 269**, Relating to the peace officer college loan program. (As substituted)

**S.B. 307**, Relating to the time in which certain suits to void a marriage may be brought and to clarifications and technical corrections concerning the marriage relationship, the parent-child relationship and suits affecting the parent-child relationship. (As amended)

**S.B. 309**, Relating to the appointment of a person other than a parent as managing conservator of a child. (As amended)

**S.B. 314**, Relating to the authority of certain counties to improve certain subdivision roads and assess the cost of repairs against subdivision residents. (As substituted and amended)

**S.B. 356**, Relating to fees for services provided in criminal cases. (As amended)

**S.B. 400**, Relating to personal property exempt from seizure. (As substituted and amended)

**S.B. 401**, Relating to children who have no presumed fathers. (As substituted and amended)

**S.B. 487**, Relating to the provision of long-term health care. (As amended)

**S.B. 538**, Relating to the operation of aircraft by State agencies. (As amended)

**S.B. 677**, Relating to governmental contracts for architectural or engineering services. (As substituted)

**S.B. 698**, Relating to the storage of certain flammable liquids in certain aboveground storage tanks by a retail service station located in certain areas. (As substituted)

**S.B. 743**, Relating to the regulation of the practice of architecture. (As substituted and amended)

**S.B. 801**, Relating to the creation of a lien for services performed by an architect, engineer or surveyor. (As amended)

**S.B. 822**, Relating to the creation and administration of programs to distribute farmers market food coupons to certain individuals. (As substituted)

**S.B. 826**, Relating to the appointment of a friend of the court to assist the court in the monitoring and enforcement of orders for child support and possession of and access to a child. (As amended)

**S.B. 852**, Relating to the powers and duties of the Texas National Research Laboratory Commission. (As substituted and amended)

**S.B. 869**, Relating to expedited filing, indexing, of a document by the Secretary of State. (As amended)

**S.B. 876**, Relating to the regulation of certain athlete agents. (As substituted and amended)

**S.B. 914**, Relating to the composition of the board of directors in certain appraisal districts. (As amended)

**S.B. 951**, Relating to the funding of aid to school districts for the acquisition, construction, renovation and improvement of instructional facilities and capital assets; providing for the study of needs and the issuance of bonds therefor; declaring same to be a public purpose for which public funds may be expended; and declaring an emergency. (As amended)

**S.B. 1012**, Relating to liability in connection with the construction of new residences and residential improvements. (As substituted)

**S.B. 1025**, Relating to the power of a nonprofit corporation to lend money to or otherwise assist an officer or director. (As amended)

**S.B. 1067**, Relating to single certification of water and sewer utilities in incorporated or annexed areas. (As amended)

**S.B. 1105**, Relating to audits of the Employees Retirement System of Texas and the Teacher Retirement System of Texas. (As substituted)

**S.B. 1272**, Relating to alcoholic beverage regulation. (As amended)

**S.B. 1340**, Relating to the creation of a public funds investment pool and to the investment of local funds of certain political subdivisions of the State. (As amended)

**S.B. 1341**, Relating to the collateral eligible to secure deposits of public funds. (As amended)

**S.B. 1342**, Relating to the investment of public funds. (As substituted and amended)

**S.B. 1507**, Relating to the promotion and regulation of the fish farming industry; providing penalties. (As substituted)

**S.B. 1602**, Relating to the establishment within the Department of Agriculture of the Texas-Israel Semi-Arid Fund and Board. (As amended)

**S.B. 1678**, Relating to the Texas Medicaid program regarding optional maternal and child health services; to the creation of the Maternal and Child Health Committee; and to authority for use of local funds in the Medicaid program. (As amended)

**S.B. 1698**, Relating to the provision of services to runaways, truants and other children at risk of suffering abuse or neglect, and to abused children and the children's families. (As amended)

**S.B. 1321**, Relating to mechanics' liens and to bonds of public works contractors. (As substituted and amended)

**S.B. 1351**, Relating to the creation of the Outstanding Rural Scholar Recognition Program and the establishment of the Outstanding Rural Scholar fund in the State treasury to address the shortage of health care professionals in rural Texas. (As amended)

**S.B. 328**, Relating to the imposition of an optional county motor vehicle registration fee. (As substituted and amended)

**S.B. 329**, Relating to the regulation of public accountants. (As amended)

**S.B. 539**, Relating to the reporting requirement of the seizure and forfeiture of aircraft.

**S.B. 872**, Relating to the transfer of a certain amount of unencumbered State revenue to the economic stabilization fund.

**S.B. 1256**, Relating to the certification of real estate appraisers. (As amended)

**S.B. 1325**, Relating to certain mixed beverage permits and license fees; providing minibar permits. (As substituted)

The House has refused to concur in Senate Amendments to **H.B. 2248** and has requested the appointment of a conference committee to consider the differences between the two houses. The following have been appointed on the part of the House: Junell, Chair; H. Cuellar, Swift, Yost, Willy.

The House has refused to concur in Senate Amendments to **H.B. 708** and has requested the appointment of a conference committee to consider the differences between the two houses. The following have been appointed on the part of the House: Perry, Chair; Laney, B. Hunter, Carter, Madla.

The House has refused to concur in Senate Amendments to **H.B. 925** and has requested the appointment of a conference committee to consider the differences between the two houses. The following have been appointed on the part of the House: Shine, Chair; A. Smith, Mowery, Turner, Evans.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 959**. The following have been appointed on the part of the House: McDonald, Chair; Wright, McKinney, J. Harris, Clemons.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 417**. The following have been appointed on the part of the House: Hammond, Chair; Grusendorf, Gibson, Granoff, Guerrero.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 255**. The following have been appointed on the part of the House: Gavin, Chair; Shea, Taylor, Cavazos, S. Thompson.

The House has adopted the Conference Committee Reports on the following bills by a non-record vote:

**S.B. 189**

**S.B. 413**

**S.B. 489**

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Ratliff in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### ADJOURNMENT

On motion of Senator Sims, the Senate at 8:50 a.m. adjourned, in memory of Miss Margaret Teel, Founder, St. Andrews Day School, Amarillo, until 9:00 a.m. today.